

Nebraska State Patrol Review Executive Summary

Prepared by the Governor's Office

On Friday, June 23, 2017, Governor Pete Ricketts directed Jason Jackson, his Chief Human Resources Officer (CHRO), to conduct a review of the Nebraska State Patrol (NSP) operations. The direction followed reports of a number of concerns regarding NSP leadership conduct, operations, policies, and procedures. Initial findings led the Governor to dismiss the head of NSP and place additional staff on administrative leave.

The final report released today is the conclusion of that review. The report contains findings and recommendations for improvement identified during the review. The Governor has directed Jackson to provide periodic updates on NSP's progress in implementing recommendations.

The findings and recommendations are grouped into three main areas:

1. **Misconduct of Col. Brad Rice**

- a. **Findings:** The report finds that Col. Rice inappropriately interfered with internal affairs investigations on at least four occasions; he violated the agency's workplace harassment/equal opportunity policy; and engaged in an unduly familiar relationship with the State Patrol union.
- b. **Recommendations and Actions:** Last month, Col. Rice was dismissed for his conduct in connection with these investigations, and findings have been turned over to federal law enforcement for investigation. Additionally, NSP is now referring all union concerns and grievances to the State's labor relations expert.

2. **Chain of Command Leadership and Conduct**

- a. **Findings:** The report finds the NSP chain of command's conduct during two internal investigations of use of force incidents gives rise to suspicion of dishonesty and dereliction of duty. NSP also failed to notify the state's law enforcement officer licensing agency when officers were terminated for wrongful conduct.
- b. **Recommendations and Actions:**
 - i. **Use of Force Investigations:** The officers in the chain of command who were involved in the use of force investigations have been placed on administrative leave pending investigation. The investigations during Col. Rice's tenure have been reviewed and flagged if similar patterns of undue command influence or discrepancies in reporting are identified. Two investigations are recommended to be reopened, neither of which involved acts of dishonesty related to the underlying criminal cases.
 - ii. **Review Terminated Officers:** NSP has identified founded cases of misconduct dating back to 2008 in which it previously failed to refer to the Crime Commission for review. These cases have now been referred to the Crime Commission. Going forward, NSP should also make it standard to complete investigations even if troopers voluntarily resign.

3. **Deficiencies in Policy and Procedure at NSP**

- a. **Findings:** The report finds that state law, union contract provisions, and NSP policy undermine officer accountability; the agency's sexual harassment policy should be revised to address non-sworn and third party agent conduct; the agency has failed to exercise proper stewardship of overtime; and the agency lacks good internal policies governing equipment distribution and inventory.
- b. **Recommendations and Actions:** The state should work with the union and, if necessary, seek changes to state law to improve officer accountability measures. NSP should make its sexual harassment policy and training more rigorous. Overtime should be managed closely. New controls should be put in place for ammunition handling and other equipment.